

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
HYLAND) Attorney Docket No.
) GCSD-1576 (51398)
Serial No. 10/806,936)
)
Confirmation No: 2856)
)
Filing Date: MARCH 23, 2004)
)
For: MODULAR CRYPTOGRAPHIC DEVICE)
AND COUPLING THEREFOR AND)
RELATED METHODS)
)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the final Office Action of April 27, 2009, and in connection with the Notice of Appeal filed concurrently herewith, please consider the remarks set out below.

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REMARKS

Based upon the arguments presented below, Applicant respectfully requests the Pre-Appeal Conference Panel to reconsider and withdraw the Examiner's rejections of the claims.

I. The Claimed Invention

Independent Claim 1, for example, recites a cryptographic device comprising a cryptographic module and a communications module removably coupled thereto. The cryptographic module comprises a first housing and a first connector carried thereby, the first housing comprising a first body and a first extension extending outwardly therefrom. The communications module comprises a second housing and a second connector carried thereby and being removably mateable with the first connector of the cryptographic module, the second housing comprising a second body and a second extension extending outwardly therefrom.

The first and second extensions are aligned in overlapping relation when the first and second connectors are mated together. The first connector is carried by the first body adjacent the first extension and the second connector is carried by the second extension.

II. The Claims Are Patentable

Independent Claims 1, 12, 21, and 28 remain rejected over the combination of Dumont and Janky. Dumont discloses a

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communications system including a portable telephone and a transmission securing auxiliary module. The portable telephone comprises a housing and a female connector carried thereby. The transmission securing auxiliary module comprises a housing and a male connector carried thereby. The Examiner correctly recognized that Dumont fails to disclose that the second connector is carried by the second extension, as recited in independent Claims 1, 12, 21, and 28. In an attempt to provide this critical deficiency of Dumont, the Examiner looked to Janky.

Janky discloses a GPS unit to mate with a cellular telephone unit. The GPS unit and the cellular telephone unit each comprises a body and an extension extending outwardly therefrom. These extensions overlap each other.

Even this selective combination of Dumont and Janky, however, fails to disclose that the second connector is carried by the second extension. The Examiner relied on Janky to provide this feature to the combination, yet Janky makes no such disclosure. In particular, the Examiner has taken the position that col. 2, lines 14-15, col. 5, lines 38-39, and FIGs. 4A-4B of Janky disclose this claimed feature. Applicant respectfully disagrees with the Examiner. These cited portions do not disclose a second connector carried by a second extension.

As stated by the Examiner on page 2 of the Official Action dated 4/27/2009, "Janky doesn't explicitly show the physical connectors." Yet, the Examiner somehow continues to assert that Janky shows precisely that. While col. 2, lines 14-15

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of Janky recite that "the removable add-on module is removably coupled to the core module," they are silent as to how the removable add-on module and the core module are physically connected together. While FIGS. 4A and 4B show the removable add-on module and the core module physically coupled together, they fail to show any removably mateable connectors carried by the removable add-on module the core module.

Further, while FIGS. 5, 6, and 9 of Janky show that its removable add-on module and core module are electrically coupled so that signals may pass between the units, they are silent as to how this is accomplished as no connectors of either the GPS unit or the cellular telephone unit are shown. Likewise, no portion of Janky's specification discloses any such connector carried by either the extension of either the removable add-on module or the core module.

As such, Janky simply fails to disclose that the second connector is carried by the second extension, as recited in independent Claims 1, 12, 21, and 28. Dumont fails to provide this critical deficiency to the combination. Consequently, independent Claims 1, 12, 21 and 28 are patentable over the combination of Janky and Dumont. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein. In conclusion, the Examiner's rejection is deficient and the Panel is respectfully requested to withdraw the rejection based upon the arguments presented above.

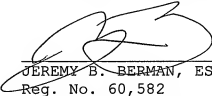
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Respectfully submitted,



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